

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA                          )  
    )  
    )      2:23-cr-66  
v.    )  
    )  
ROMAN GRIFFEY,                                    )  
    )  
Defendant.    )  
    )  
    )

**OMNIBUS MEMORANDUM ORDER ON PRETRIAL MOTIONS**

Before the Court are pretrial motions filed by Defendant. ECF 43; ECF 44; ECF 45. The Court issues this omnibus order resolving the motions specified below.

Defendant asks for production of Rule 16 materials, all exculpatory evidence under *Brady* and its progeny, and Rules 404(b) and 609 materials, as well as preservation of the rough notes of all law enforcement officers in this case. Consistent with Third Circuit precedent and prior orders from this Court,<sup>1</sup> the Court **GRANTS** the motions in part, as follows:

- **Rule 16, *Brady*, and *Giglio* materials.** Consistent with Third Circuit precedent, *Brady* material must be disclosed upon discovery, while impeachment material (including *Giglio* material) must be disclosed no later than two weeks before trial, which is sufficient time for Defendant to use that material effectively. *United States v. Higgs*, 713 F.2d 39, 44 (3d Cir. 1983) (“right to a fair trial will be fully protected if disclosure [of impeachment material] is made the day that the witness testifies”); *United States v. Fenstermaker*, No. 21-41, 2023 WL 4950499, at \*2 (W.D. Pa. Aug. 3, 2023) (Cercone, J.) (“[A]ctual exculpatory evidence” should be disclosed

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<sup>1</sup> E.g., *United States v. DiPippa*, No. 23-146, 2024 WL 1431385 (W.D. Pa. Apr. 3, 2024) (Ranjan, J.); *United States v. Addison*, No. 2:23-CR-118, 2024 WL 4278289 (W.D. Pa. Sept. 24, 2024) (Ranjan, J.).

“without undue delay[,]” but impeachment material must be disclosed “in time for its effective use at trial.”). Defendant’s motion for discovery is granted insofar as the government shall continue to comply with its Rule 16, *Brady*, *Giglio*, and Jencks Act obligations, consistent with this order.

- **Rules 404(b) and 609 materials.** The Court orders that Rule 404(b) and Rule 609 materials be disclosed at least two weeks before trial. *United States v. DiPippa*, No. 23-146, 2024 WL 1431385, at \*2 (W.D. Pa. Apr. 3, 2024) (Ranjan, J.) (“Disclosure [of Rule 404(b) and Rule 609 evidence] two weeks before trial generally amounts to reasonable notice of the government’s intent to use this kind of evidence.”).
- **Rough notes.** The Court hereby orders that the government preserve the rough notes of the federal law-enforcement officers involved in this case. However, for any local law-enforcement officers over which the federal government has no control, the Court only orders that the government request that all local law-enforcement officers who participated in the investigation of this case retain and preserve their rough notes.

The parties may agree to disclose any of the foregoing materials at an earlier time than those set by these deadlines.

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DATE: March 10, 2025

BY THE COURT:

/s/ J. Nicholas Ranjan  
United States District Judge